



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMC
Docket No: 01136-98
4 November 1999

ICI [REDACTED] USN
[REDACTED]
[REDACTED]

Dear Petty Officer [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Bureau of Naval Personnel dated 14 May and 18 June 1998, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinions. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO
1610
Pers-32
14 MAY 98

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: BUPERS/BCNR Coordinator (Pers-00XCB)

Subj: IC [REDACTED], USN, 095-52-0142

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal or change of her performance report for the period of 1 December 1995 to 15 November 1996.

2. Based on our review of the material provided, we find the following:

a. Review of the member's headquarters record revealed the report in question. The report is signed by the member in block 51 acknowledging the contents of the report and her rights in accordance with regulations. Even though the member indicated she did not desire to submit a statement to the report, in accordance with reference (a), Annex S, paragraph S-8, the member has two years from the ending date of the report to submit a statement if desired.

b. The marks, comments and recommendations in the report are at the discretion of the reporting senior. They are not routinely open to challenge.

c. Mid-term counseling on performance is mandatory in accordance with reference (a), Annex C, with more frequent counseling encouraged if needed. Because counseling may occur in different ways, written documentation of counseling is not required.

d. The report represents the judgment and appraisal responsibility of the reporting senior for a specific period of time. It is not required to be consistent with previous or subsequent reports.

e. The member alleges favoritism or discrimination within the chain of command, but we cannot determine if she filed a complaint.

Subj: IC1 [REDACTED] USN, [REDACTED]

f. Even though the member provides supporting documents with her petition, she does not prove the report to be unjust or in error.

3. We recommend the member's petition be forwarded to the Director, Equal Opportunity Division (Pers-61) for comment on the member's allegation of discrimination or favoritism. Should the member's allegation of discrimination be found to have merit, we have no objection to removal of the report.

[REDACTED]
[REDACTED]
Director, Military personnel
Evaluation & Correspondence
Division



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000

1136-98
IN REPLY REFER TO
18 June 1998

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (Pers-00XCB)

Subj: BNCR PETITION ICO IC1 [REDACTED] USN,
[REDACTED]

Ref: (a) Pers-00XCB memo of 14 May 98

Encl: (1) BNCR PETITION ICO IC1 [REDACTED] USN,
[REDACTED]

1. Reference (a) requested Pers-61 comment on the case of IC1 [REDACTED] who has petitioned the Board for Correction of Naval Records (BCNR) for changes to a performance report dated 1 Dec 95 - 15 Nov 96.

2. After review of enclosure (1), we have not perceived allegations of racial discrimination by IC [REDACTED]. Her documentation of efforts to address disagreements with the chain of command do not substantiate favoritism in the assignment of her evaluation marks.

3. Based upon our evaluation of the information provided by enclosure (1), IC [REDACTED] does not appear to be the victim of racial or gender discrimination. The performance report for the period of 1 Dec 95 - 15 Nov 96 should not be changed by reason of discrimination or favoritism.

[REDACTED]
Commander, U.S. Navy
Director, Equal Opportunity
Division (Pers-61)